

FORM PTO-1390
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

287300022USA

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

09/424431

INTERNATIONAL APPLICATION NO.
PCT/US98/10389INTERNATIONAL FILING DATE
22 May 1998 (22.05.98)PRIORITY DATE CLAIMED
23 May 1997 (23.05.97)TITLE OF INVENTION
METHOD AND APPARATUS FOR DELIVERING RADIATION THERAPY DURING SUSPENDED VENTILATION

APPLICANT(S) FOR DO/EO/US

William Beaumont Hospital; WONG, John W.; JAFFRAY, David A. and SHARPE, Michael B.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
 2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
 3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(l).
 4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
 5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
 6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
 7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
 8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
 9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern document(s) or information included:**
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
 14. ☐ A substitute specification.
 15. ☐ A change of power of attorney and/or address letter.

06/22/2000 PCT/US 09424431 Express Mailing Certificate (Label No. EJ948538252US)
Article 34 Amendment
Three (3) sheets of drawings showing Figures 1-7

FC:122

130.00 CH

09/424431

U.S. APPLICATION NO. (if known see 31 CFR 1.5)
60/063,454INTERNATIONAL APPLICATION NO.
PCT/US98/10389ATTORNEY'S DOCKET NUMBER
287300022USA

CALCULATIONS PTO USE ONLY

17. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5))**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$970.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$840.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$760.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$670.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$96.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$ 670.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492(c)).

\$ 130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	20 -20 =	0	X \$18.00	\$	
Independent claims	3 -3 =	0	X \$78.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+\$260.00	\$	0.00
TOTAL OF ABOVE CALCULATIONS =				\$	800.00
Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$	800.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$	800.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	0.00
TOTAL FEES ENCLOSED =				\$	800.00
				Amount to be refunded	\$
				charged	\$

- a. ☒ A check in the amount of \$_____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO

Thomas T. Moga
HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

SIGNATURE

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NAME

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REGISTRATION NUMBER



520 Rec'd PCT/PTO

2 NOV 1999

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Date: November 23, 1999

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

EXPRESS MAILING CERTIFICATE

Applicants: John W. Wong, David A. Jaffray and Michael B. Sharpe

Serial No (if any):

For: METHOD AND APPARATUS FOR DELIVERING RADIATION
THERAPY DURING SUSPENDED VENTILATION

Docket: 287300022USA

Attorney: Thomas T. Moga

"Express Mail" Mailing Label Number EJ948538252US

Date of Deposit November 23, 1999

I hereby certify and verify that the accompanying U.S. NATIONAL PHASE APPLICATION including acknowledgement postcard, check for \$800.00, Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (in duplicate), unsigned Declaration and Power of Attorney, copy of Letter of Amendment Under Article 34 and Rule 66.3, and three (3) sheets of drawings showing Figures 1-7 is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to Box Patent Application, Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Signature of Person Mailing Document(s)